

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

BWS PROPERTIES, LLC,	:	
	:	NO.
	:	1:24-CV-29-KAC-CHS
Plaintiff,	:	
	:	Judge Katherine A.
-vs-	:	Crytzer
	:	
AIRGAS USA, LLC,	:	Magistrate Judge
	:	Christopher H. Steger
	:	
Defendant.	:	Jury Demand

THE DEPOSITION OF
NICHOLAS R. CORNELISON
July 3, 2025

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1 (The document, as referred to above,
2 was marked and subsequently attached hereto as
3 Exhibit No. 1.)

4 BY MR. ROBISON:

5 Q In a little bit I will get to your
6 opinions in this case, but I want to obviously know a
7 little bit about you. You are not a witness in the
8 sense that you were there when something happened,
9 but you have, as I understand it, conducted an
10 investigation and formed some opinions in this case
11 that you have offered that, for the trial, you intend
12 to tell the judge or jury about your opinions. So I
13 want to ask you a little bit about your background
14 before we get there.

15 If you need to refer to your CV, I
16 will be looking at it just so you know, but you may
17 know this by heart. If you need to refer to it,
18 you're welcome to. Just in terms of background
19 information then, what -- tell me about your
20 educational background.

21 A Educational background, I started at
22 UTC in the construction management program. They
23 actually canceled the program. I went to the
24 Associated General Contractors of America and
25 completed the supervisory and project management

1 training programs. And since then, I do all kinds
2 of, you know, credit hours, et cetera, et cetera, all
3 basically related to construction issues.

4 **Q Okay. In terms of at UTC -- so they**
5 **ended that program. And where were you in your**
6 **studies when that program was ended?**

7 A I was a year and a half in at that
8 point.

9 **Q Okay. Did you end up getting a degree**
10 **from another institution?**

11 A I did not, no, sir.

12 **Q How -- and tell me again the**
13 **organization that you went to.**

14 A Associated General Contractors of
15 America is a national construction organization.

16 **Q Is that a program that would be**
17 **considered like a certification or how did it work?**

18 A It's certifications you actually
19 have -- there is various certifications you achieve.
20 I'm actually the youngest person in the nation to
21 ever finish the program.

22 **Q Out of curiosity, then, how old were**
23 **you when you completed the program?**

24 A I was 19 or 20. I can't remember for
25 sure, but somewhere around 20.

1 Q And what year would that have been?

2 A That would have been somewhere around
3 2000 or 2001.

4 Q I ask because in your resumé, or CV as
5 we call it sometimes, I saw that your work experience
6 with P&C Construction went back to 1997.

7 A Uh-huh.

8 Q Let me -- and was that a yes?

9 A That is correct.

10 Q Those uh-huhs are real hard to write
11 down.

12 A Yes. Sorry.

13 Q And you're -- I have never been in a
14 deposition where somebody successfully avoided that,
15 so please don't take it personally if I ask for
16 clarification.

17 A No problem.

18 Q In terms of the certification, so you
19 have that -- went through that program, finished it
20 around 2000. Do you have any other certifications or
21 trainings that we should know about before we talk
22 about your work history?

23 A Off the top of my head, I can't think
24 of any.

25 Q Now, as I asked you just earlier, I

1 saw that you had -- your tenure with P&C Construction
2 went from 1997 to the present; is that fair?

3 A That is correct.

4 Q Okay. Tell me, how did you start?
5 Did you work your way up? Did your roles change?
6 Tell me about your history with the company.

7 A So history with the company, I started
8 out as a laborer and worked in the field, all kinds
9 of various commercial and residential and industrial
10 projects.

11 From that, somewhere around 2002 or
12 '3, I come into the office and started estimating and
13 project-managing projects.

14 From that, somewhere around 2007 or
15 '8, become vice president of P&C. And I guess it's
16 been somewhere around three or four years ago become
17 president of P&C. I've literally went from the
18 trenches to the top.

19 Q Okay. I might walk through that a
20 little bit, because within a single company you've
21 had a breadth of experience. So as a laborer, what
22 sorts of things were you doing?

23 A Everything from digging holes, busting
24 concrete, forming and pouring concrete, structural
25 steel, finishes, painting, hanging doors, carpentry,

1 roofing, you name it, literally top to bottom.

2 Q Were there any specific scopes or
3 trades that you did not do?

4 A The only ones that I did not do hands
5 on would be mechanical, electrical, plumbing.

6 Q But other than those, you did just
7 about everything?

8 A Yes, sir.

9 Q Tell me about the change you made when
10 you started doing -- I can't remember how you said
11 it, whether it was quotes or bids or the pricing --

12 A Estimating.

13 Q -- part. Estimating. Tell me --
14 remind me again what year you began doing estimating.
15 Was it around 2003?

16 A Somewhere around 2002 or '3, yes, sir.

17 Q And what were your job duties at that
18 point when you were in estimating?

19 A In estimating, you're taking off
20 quantities, you're going and trying to figure out a
21 budget for a project, how much is it going to cost to
22 do this project. I mean, literally reading drawings,
23 specifications, going to meetings. I can go on and
24 on, but...

25 Q Prior to 2002 when you were, I think

1 Q And I'm not going to make you sit here
2 and do the math on that, but if we look at those four
3 invoices, do those four total \$7,388.50?

4 A It should, yes, sir.

5 Q Okay. You have identified those
6 invoices as materials that you reviewed in
7 preparation for or as part of forming your opinions
8 in this case; is that fair?

9 A That is fair.

10 Q When you looked at those invoices, how
11 did you determine that those were amounts that, as I
12 understand it, you say Airgas should pay to BWS?

13 A Can you please ask me that again?

14 Q Sure. And I appreciate you asking the
15 clarification. Is it your opinion that Airgas should
16 pay to BWS that amount of landlord funded repair
17 expenses?

18 A That is correct.

19 Q And how did you come to that
20 determination for each of those categories?

21 A So for each of those categories to
22 come to that determination, it's based on the repairs
23 that they completed. And -- well, that would be it
24 just based on the repairs that they completed.

25 Q Is it your understanding that the

1 invoices that we talked about -- Access Garage Doors,
2 Scenic Breezeway, A. Barnes Fence Company, and Oasis
3 Heating and Air -- were for work that was actually
4 performed on the property?

5 A That is correct.

6 Q I'll take them in the order that we
7 have them listed in your report. Access Garage
8 Doors, what was that \$237.50 charge for?

9 A I need to read it again.

10 Q Okay. And I've got a copy here. And
11 for the record, I have handed you a document that's
12 been Bates labeled BWS-000084. We lawyers will put a
13 Bates numbering system on the bottom of some of our
14 documents because the volume can be quite large as
15 you might expect.

16 And I'll represent to you this was a
17 document provided to us by BWS Properties. Is this
18 the invoice that you had reviewed and referenced in
19 your report?

20 A It is, yes, sir.

21 Q If at any point I'm handing you a
22 document that's not or it's something different,
23 please let me know. I don't want to be talking past
24 each other. Looking at this invoice, does this
25 refresh your memory on what the scope of work was for

1 **Access Garage Doors?**

2 A Yes, sir.

3 Q Okay. And go ahead and tell us, what
4 **is this amount for?**

5 A It is \$237.50, trip charge and repair.

6 Q And a repair of what?

7 A An overhead door or garage door.

8 Q Do you know which building the garage
9 **door was located in?**

10 A I cannot remember off the top of my
11 head.

12 Q Which of the buildings on the property
13 **have garage doors or roll-up doors, as I might call**
14 **them?**

15 A Building 2 -- hold on. Building 4,
16 I'm pretty sure there was one in Building 1, and I
17 cannot -- I can't remember off the top of my head for
18 2 and 3.

19 Q And it's your understanding that this
20 **was an amount paid by BWS Properties; is that**
21 **correct?**

22 A That is correct.

23 Q But as I understand it today, you're
24 **not certain which door or on which building this work**
25 **was performed?**

1 A I can't remember, no, sir.

2 **Q Are the garage doors in each of these**
3 **buildings original to the buildings?**

4 A I have no idea.

5 MR. ROBISON: Let's mark this as
6 Exhibit 3 and we'll kind of move along.

7 (The document, as referred to above,
8 was marked and subsequently attached hereto as
9 Exhibit No. 3.)

10 BY MR. ROBISON:

11 **Q Scenic Breezeway, what was the scope**
12 **of work performed by Scenic Breezeway?**

13 A I need to look at it again.

14 **Q Okay. I do not know if I have Scenic**
15 **Breezeway invoices here with me, but do you know**
16 **what generally the type of work was performed by**
17 **Scenic Breezeway?**

18 A From my memory, it was cleaning and
19 pressure washing and just essentially a cleanup of
20 mess.

21 **Q Which building or buildings was**
22 **involved in the work by Scenic Breezeway?**

23 A I cannot recall for sure, but I
24 believe it was Building Number 1 and 4. But from my
25 memory, I couldn't tell you off the top of my head.

1 Q The item for Scenic Breezeway includes
2 a charge of \$5,575; is that correct?

3 A That is correct.

4 Q And is it your understanding that
5 BWS Properties paid that amount?

6 A Yes, sir.

7 Q With respect to A. Barnes Fence, do
8 you know what the scope of repair work was or scope
9 of work from A. Barnes Fence Company on this
10 property?

11 A A repair to the fence.

12 Q And before I hand you the property
13 (sic), do you have any other knowledge about what
14 that repair involved?

15 A Off the top of my head, I can't
16 remember.

17 Q Okay. And if you know and you don't
18 need to look at something, I will just talk to you
19 about it.

20 A Correct.

21 Q I've handed you an invoice from
22 A. Barnes Fence Company. This has the Bates number
23 of BWS-000082. Does this help your understanding as
24 to what the scope of repair was?

25 A Yes, sir.

1 **Q And what was it?**

2 **A Repairing 4-foot of 6-foot, 9-gauge**
3 wire is what I understand it to be if I can read
4 their writing correctly.

5 **Q It is handwritten and it is actually**
6 **not terrible handwriting, but it's obviously a little**
7 **harder than print. Do you have any understanding as**
8 **to where on the property this repair occurred?**

9 **A On the fence.**

10 **Q Okay. What kind of a fence is present**
11 **on this property?**

12 **A Chain link.**

13 **Q Are there more than one fence?**

14 **A That I can recall, no, sir.**

15 **Q Okay. And do you know what part of**
16 **the fence or what part of the property it was that**
17 **this fence repair took place?**

18 **A Exact location, no.**

19 **Q What is the date for this invoice?**

20 **A 11/7/23.**

21 **Q Okay. And do you know when the repair**
22 **work actually took place?**

23 **A I do not know when the repair work**
24 **actually took place.**

25 **Q Okay. And do you know when the break**

1 or damage or other circumstances that led to the
2 necessity of a repair took place?

3 A I do not.

4 MR. ROBISON: Let's mark that as
5 Exhibit 4.

6 (The document, as referred to above,
7 was marked and subsequently attached hereto as
8 Exhibit No. 4.)

9 BY MR. ROBISON:

10 Q And then just taking them in order,
11 Oasis Heating and Air, do you have an understanding
12 as to what the scope of work was for Oasis Heating
13 and Air that resulted in the invoice for \$926?

14 A HVAC.

15 Q And when you say heating and air, it
16 makes sense it will be HVAC work, right?

17 A Correct.

18 Q Do you know in which building?

19 A I do not recall off the top of my
20 head.

21 Q I'm going to hand you the invoice.
22 And I'm not trying to make this a pop quiz. We can
23 make this as open book as we need it to be. Is this
24 that I've handed you, invoice from Oasis Heating and
25 Air dated July 29th of 2024, the invoice that you

1 here. So let's go ahead and mark this as the next
2 exhibit. I think this might be 6.

3 (The document, as referred to above,
4 was marked and subsequently attached hereto as
5 Exhibit No. 6.)

6 BY MR. ROBISON:

7 Q Before we get into this a little bit,
8 have you ever talked with anybody from T.U. Parks
9 Construction about this property?

10 A I did, yes, sir.

11 Q And when did that conversation take
12 place?

13 A Somewhere between April 15th and May
14 the 9th.

15 Q Okay. And so when you described
16 information from T.U. Parks, it doesn't just include
17 this budget and related information. It's also a
18 conversation you had with somebody?

19 A It is a conversation.

20 Q Walk me through -- so first let me ask
21 you, who was it that you talked to at T.U. Parks?

22 A Arch Willingham.

23 Q What is Arch Willingham's role at T.U.
24 Parks Construction?

25 A He is also the president.

1 A I believe so, yes, sir.

2 Q And what leads you to believe that
3 backer board is included in this miscellaneous
4 carpentry work scope?

5 A And I want to make sure we're clear.
6 Backer board is typically under ceramic tile. This
7 building doesn't have any ceramic tile. When I'm
8 referring to backer board, what I'm talking about is
9 plywood in the warehouse area. There was a handful
10 of sections that had some plywood, and there was
11 damage to that and it was fixing those. In addition
12 to that, it would be trim inside the office space.

13 Q I think I understand the trim. Thank
14 you for helping me understand about the plywood
15 backer in the warehouse area. Where was there damage
16 to plywood in the warehouse area?

17 A In the warehouse area, I can't -- I
18 don't have a floor plan to specifically point you to
19 the exact area.

20 Q Did you take any photographs when you
21 toured or inspected the building in April?

22 A I did not.

23 Q Okay. And there is not any
24 photographs attached to your report that we could
25 look at to see where the damage was in the warehouse;

1 **is that right?**

2 MS. WOLINSKY: I'm going to object to
3 the form.

4 A If you'll go back to page 1 of my
5 estimate or my report, I have given you various
6 photos numbered, and these are specifically the ones
7 that I saw. So I have seen those photos.

8 BY MR. ROBISON:

9 Q And we can look through some of those
10 photos and kind of help our topic. What I would like
11 to do is kind of go through it and make sure we have
12 our question of what we need to kind of look for.
13 Because there are a lot of photos and we could be
14 here all day looking through photos if we need to.
15 But I want to make sure we have kind of a laundry
16 list of what we need to move through.

17 MS. WOLINSKY: And, Peter, when you
18 get to a stopping point, if we could just take a
19 quick break. We've been going about an hour and a
20 half.

21 MR. ROBISON: Absolutely. Yeah.
22 Let's go ahead and do that now unless -- if you're
23 okay.

24 THE WITNESS: Good with me.

25 MR. ROBISON: Let's do that, yeah.

1 **the rear of that property -- of that building?**

2 A I can't remember for certain.

3 Q **One of them is there indicated to be**
4 **replaced; is that right?**

5 A That is correct.

6 Q **And what has necessitated the**
7 **replacement of that garage door?**

8 A It looks like it's been abused.

9 Q **How so?**

10 A From my memory -- and I'm sure you
11 have some pictures somewhere. But from my memory, it
12 has been hit by something, maybe a forklift, a truck,
13 a person. I don't know, but it's been hit by
14 something.

15 Q **And do you know when that garage door**
16 **was hit?**

17 A I do not.

18 Q **This might be a good place to ask you,**
19 **do you have a knowledge as to the usage history of**
20 **this property?**

21 MS. WOLINSKY: Object to form.

22 A The knowledge of the usage of this
23 property? A business.

24 BY MR. ROBISON:

25 Q **Let me try to ask it a little better.**

1 **which building we're talking about there?**

2 A From my memory again, it was a window
3 in the -- I'm pretty sure it was in Building 2. I'm
4 almost certain. And I apologize. I'm going to tell
5 you this. I apologize. I can't remember exact
6 details because it's been two months since I go
7 there -- been there.

8 Q **Sure.**

9 A And I literally work on hundreds of
10 projects, so...

11 Q **I imagine it's very easy for things to**
12 **blend together in your head?**

13 A It is, yes.

14 Q **Okay.**

15 A But if you want a specific, show me a
16 picture and I can get very detailed if you want me
17 to.

18 Q **That number 12 and also number 10, the**
19 **man doors as we referred to them, are also**
20 **allowances; is that right?**

21 A Yes, that is correct.

22 Q **And is that because a specific window**
23 **or a specific door hasn't been spec'd out yet?**

24 A That is correct.

25 Q **With respect to number 11, there is a**

1 A The general office -- little small
2 office area. And I think there was some, if I
3 remember correctly -- again, it's from memory. There
4 was some in like a little open area kind of between
5 the warehouse and the office space, if I remember
6 that building correctly.

7 Q And you didn't take any photos
8 yourself to be able to refer to?

9 A I did not, no, sir.

10 Q Okay. The next two items which are 15
11 and 16 are also broken down into Building 1 and
12 Building 2. So we at least have the benefit of
13 knowing what buildings we're talking about. Those
14 items are listed as strip and wax existing VCT. So
15 let me ask you a basic question. For the record,
16 what is VCT?

17 A Vinyl composition tile.

18 Q And where in Building 1 is vinyl
19 composition tile present?

20 A If I remember correctly, it may have
21 been the bathrooms and hallway, but, again, I can't
22 remember specific exact locations. But show me
23 pictures and I'll tell you which one is what.

24 Q Was there vinyl composition tile or
25 VCT flooring in the warehouse?

1 certain.

2 Q Let me ask it more generally because I
3 don't want to assume. Have you looked at any bids or
4 quotes that would correspond to any line items that
5 T.U. Parks Construction put together?

6 A I'm being honest. I cannot recall. I
7 think I did, but I don't want to tell you yes and I
8 didn't.

9 Q I will represent to you that during
10 this lawsuit I sent a subpoena to Parks Construction
11 to get the materials that they used to put together
12 this bid or this budget. And we received some of
13 those documents and we exchanged them with all the
14 parties, obviously.

15 Do you know if you have seen bids
16 from, for example, Triad Electrical Contractors,
17 Weeks Paving, Walker Interiors, Stolpmann Plumbing?
18 Does this ring a bell to you at all?

19 A I'm going to be frank with you. I see
20 their bids all day, every day. I'm being honest with
21 you. I cannot recall for this specific case. I
22 think I did, but I can't remember reading them just
23 vividly. And literally, I bid three projects
24 yesterday and I had those same people bidding to me.

25 Q The names that I listed are

1 subcontractors or trades that are active in the
2 Chattanooga area; is that fair?

3 A That is fair.

4 Q And I have seen their names on other
5 projects as well and you see them all the time?

6 A Yes, sir. Daily.

7 Q And so you can't recall whether you
8 even saw those bids or quotes?

9 A For this specific thing, no, sir.

10 Q Okay. We might look at them later to
11 see if you recall, but I -- I'm not trying to ask you
12 about stuff you don't know or that's outside of your
13 knowledge base.

14 A Yeah.

15 Q I have never seen a subcontractor
16 quote or bid for the epoxy floor at the showroom.
17 Have you?

18 A That I can recall, no, sir.

19 Q What condition or conditions existed
20 such that epoxy flooring needed to be replaced or
21 redone in the showroom?

22 A There is several areas from my memory
23 that was either missing, worn out, like appeared to
24 have something driven over. I don't know. There is
25 just several different types of damage to the epoxy

1 plumbing package?

2 A Replacing some various plumbing
3 fixtures that was damaged throughout the building.

4 Q And which fixtures were damaged in
5 the -- well, strike that.

6 Let me ask this. This plumbing
7 package, is this for Building 1 or Building 2 or both
8 together?

9 A Both.

10 Q What portions of this plumbing package
11 correspond to Building 1? Like where in Building 1
12 are we looking at plumbing work?

13 A Bathrooms, and I believe it was a
14 kitchen sink or a break room or something, however
15 you want to phrase it.

16 Q And is the kitchen sink to be replaced
17 or repaired? What's happening there?

18 A I cannot recall off the top of my
19 head. But if you want to show me the quote, I can
20 tell you -- the picture.

21 Q The plumbing in the bathrooms, what
22 plumbing work is being done in the bathrooms?

23 A It was some work to some toilets and
24 sinks.

25 Q We talked about sinks and vanities

1 Q Sure. I just have -- you know, I've
2 got your report and I have what's in your report.

3 A I know, but it's like a pop quiz. If
4 you want to ask me something specific, show me a
5 picture or show me a drawing and I can tell you -- or
6 show me their quote.

7 Q I think we are going to go through the
8 photos.

9 A It's like a memory pop quiz. You
10 know, I didn't know I was going to a spelling bee
11 today.

12 Q Otherwise, I would be asking you to
13 spell something, triskaidekaphobia or something
14 crazy. I apologize to the court reporter.

15 Is there anything else about this
16 plumbing package that you can tell me is included or
17 what can I understand about this plumbing package?

18 A It's fixing the plumbing work that
19 needs to be repaired.

20 Q And this is in Buildings 1 and 2?

21 A That is correct.

22 Q How -- how was it that these plumbing
23 components were damaged or needed repair? Are they
24 damaged or are they worn out? Tell me about that.

25 A There is various damage to the

1 reaching the end of this Exhibit 6. I wonder if this
2 might be a good moment to take a little break and
3 especially let our court reporter maybe order lunch
4 and --

5 MS. WOLINSKY: Yeah.

6 (Short break.)

7 BY MR. ROBISON:

8 Q So after our brief break, you
9 understand you're still under oath?

10 A Yes, sir.

11 Q I can't remember what you told me
12 earlier about materials from T.U. Parks. Do you know
13 if you looked at materials from T.U. Parks
14 Construction other than these two budget breakdowns
15 that we looked at just now?

16 A No, sir. I've already told you I
17 can't recall each individual estimate. These two
18 pages was used, but if I seen every sub-bid or
19 whatever, I couldn't tell you that I have or I
20 haven't. And I see them -- the same sub-bids every
21 day, so...

22 Q I understand why you wouldn't have a
23 specific memory about something in your line of work.

24 A Yes.

25 Q I get that. If you asked me about all

1 the different cases that I've had, things run
2 together over time. But I do need to figure out what
3 you know with respect to this case and what the scope
4 of your opinions are.

5 We just went through T.U. Parks. I
6 want to hand -- I'm going to hand your lawyer first,
7 and then you, what I might call like a spreadsheet.
8 This is something that we obtained from T.U. Parks.
9 And I just want to know, have you ever seen this
10 before? And if you haven't, I'm not going to ask you
11 questions about it.

12 A I have not, no, sir.

13 Q Okay. I will probably just put it to
14 the side then because I don't think it's fair to ask
15 you about something you have not seen.

16 A Yes.

17 Q We can put that to the side. I don't
18 want it to get confused with the exhibits. We -- it
19 sounds like we need to look at some of the
20 photographs and it's going to take a little bit of
21 time. And we probably won't do it right this moment.
22 But is it my understanding that your testimony -- the
23 expert testimony you have offered in this case is
24 that the total of budget breakdowns between
25 Buildings 1 and 2 on the first page of Exhibit 6 and

1 also for Building 4, which is on the second page of
2 Exhibit 6, those totals come to \$534,584.36; is that
3 right?

4 A Correct.

5 Q And it's your testimony that that is
6 an amount that is required to pay for the repairs
7 itemized or indicated in this set of budgets?

8 A That is correct.

9 Q Okay. And I'm sorry to ask the
10 obvious thing, but we have to kind of go through
11 there.

12 You have another category below there
13 or item or an amount of \$103,709.36. This is again
14 referring to your report that is exhibit -- part of
15 Exhibit 1?

16 A That is correct.

17 Q And the item here indicates that this
18 is a 19.4 percent annualized increase of budget.

19 A Correct.

20 Q Okay. Now, you have a note above
21 there that this is something that was drawn from a
22 website called constructiondive.com.

23 A That is correct.

24 Q Tell me about constructiondive.com.

25 A It's a -- basically a place where

1 construction professionals go to check market prices,
2 check current goings-on in the construction industry.
3 It is considered a publication as you were mentioning
4 earlier today. It's a publication for construction
5 and cost.

6 **Q Does constructiondive.com put out like**
7 **quarterly or periodic reports or journals or -- help**
8 **me understand what constructiondive.com publishes.**

9 A They publish various
10 construction-related issues like various costs of
11 construction, you know, new safety protocols to be
12 aware of. There is just all kinds of things related
13 to construction.

14 **Q I take it, then, that it's not just**
15 **limited to pricing; it involves other**
16 **construction-related issues?**

17 A That is correct.

18 **Q Are there specific reports or articles**
19 **that constructiondive.com has or particular web pages**
20 **that you consulted in order to come up with this**
21 **annualized increase of 9.7 percent?**

22 A Yes, sir.

23 **Q And what were those?**

24 A It was their article based on
25 commercial construction cost increases.

1 Q Who was the author of that article?

2 A I couldn't recall.

3 Q Was there an author?

4 A I'm pretty sure there is.

5 Q And where is that author based out of,
6 do you know?

7 A I couldn't tell you.

8 Q Do you know if that author was based
9 out of the greater Chattanooga area?

10 A It's not Chattanooga that I can
11 recall.

12 Q Okay. Do you know where or in what
13 market that author was operating?

14 A I do not know, but the article was in
15 general for the entire area of the U.S.

16 Q Do you know what the author's
17 qualifications were? Like, was this a general
18 contractor, for example?

19 A I didn't look up his CV. I have no
20 idea.

21 Q You know, I even forgot to ask you
22 earlier. Do you, yourself, hold a GC license?

23 A I do.

24 Q Sometimes a business will have the
25 license and sometimes an individual has it.

1 Q Was there a breakdown in terms of
2 those costs with respect to labor versus materials?

3 A I couldn't tell you exact numbers on
4 that.

5 Q And was this the general construction
6 industry including both commercial and residential?

7 A No. It was commercial.

8 Q It was just commercial. And how did
9 you come to the total of 19.4 percent annualized
10 increase of budget that's indicated in that line
11 item?

12 A So the annualized increase is 9.7 in
13 years '23 through '25 -- June '23 until May '25. And
14 9.7 times two equals 19.4.

15 Q And that's how you reached that
16 calculation?

17 A That is correct.

18 Q You didn't do a calculation, for
19 example, from June 2023 to June 2024 and then provide
20 the similar 9.7 percent increase from June 2024 to
21 May of 2025?

22 A No, sir.

23 Q The report or article that you
24 reviewed in order to come to this amount, did it list
25 it in terms of calendar year or did it have a tool

1 Q Let's set those aside so we don't
2 confuse them with the exhibits. Until we need to
3 take our break for lunch, I want to have you take a
4 look at some photographs. We've talked about those,
5 and it sounds like you need to see some photographs
6 to refresh your memory on some things; is that right?

7 A That is correct.

8 Q And we try not to be unfair about
9 quizzing you on things you don't know, but we need to
10 know the contents of what you know and what you
11 don't. Oh, I apologize. I need to hand you one more
12 document. I'm going to ask you, have you ever seen
13 this document?

14 A That I'm aware of, no, sir.

15 Q All right. And for the record, this
16 is a quotation from Walker Interiors. It looks like
17 it was from a Jason to T.U. Parks Construction -- or
18 no, from a Kirk Prince.

19 Let me ask you generally about those.
20 Do you -- have you ever done work with Walker
21 Interiors?

22 A Yes, sir.

23 Q And you've done work with Stolpmann
24 Plumbing?

25 A Yes, sir.

1 Q Have you done work with Weeks Paving?

2 A Yes, sir.

3 Q Have you done work with Pro-Coat,
4 Inc.?

5 A Yes, sir.

6 Q And what about Triad Electrical?

7 A Yes, sir.

8 Q You had ready responses for me on all
9 those, almost didn't even let me get my question out.
10 Be careful about that. But are those subcontractors
11 and trades that are active in the Chattanooga area?

12 A Yes.

13 Q I have seen them invoices too before,
14 and I am assume you have many, many times.

15 A Yes.

16 Q You have not, as I understand it,
17 offered any opinions with respect to the lease
18 between BWS and Airgas; is that right?

19 A That is correct.

20 Q Is that -- am I correct that you don't
21 have any opinions about the lease, what the terms of
22 the lease are, things of that nature?

23 A No, sir.

24 Q I won't ask you about it then. It's
25 nice to make your deposition shorter.

1 Construction amounts, you have told us in your --
2 it's your opinion that those are fair amounts to do
3 that scope of work?

4 A That is correct.

5 Q And as I understand it, you're not
6 giving us an opinion about who caused the damage or
7 when it was caused or what specific incident caused
8 the damage; you're just talking about what it's going
9 to take to fix it?

10 A That is correct.

11 Q Have you offered any opinion as to who
12 needs to pay for that amount or just what it's going
13 to cost to fix it?

14 A Just what it's going to cost to fix
15 it.

16 Q As you can tell, I'm almost done. If
17 you'll bear with me just a moment to make sure I hit
18 points that I need to. You've been very generous
19 with your time. I appreciate it.

20 Did you ever count the number of
21 lights that were out that needed to be repaired or
22 have bulbs replaced?

23 A I don't know that I have an exact
24 count. I mean, I don't have it, like, written down
25 here in front of me, but I'm sure as we walked

REPORTER'S CERTIFICATE


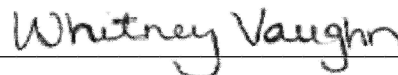
STATE OF TENNESSEE :

COUNTY OF HAMILTON :

I, Whitney A. Vaughn, Court Reporter and Notary Public, do hereby certify that the foregoing deposition was stenographically recorded by me as stated in the caption. NICHOLAS CORNELISON was duly sworn by me; that pages 1 to 278, inclusive, were reduced to typewriting under my direction and supervision, and the deposition is a true and correct record, to the best of my ability, of the testimony/evidence given by the deponent.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the action. All rates charged are usual and customary.

This is the 13th day of July, 2025.



Whitney Vaughn, TN LCR #418

Court Reporter and Notary Public

My Commission Expires 12/23/28